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10/578,628	05/09/2006	Nino Gasic	15328.0005USWO	1406
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MERCHANT & GOULD PC			GARRETT, ERIKA P	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,628	<b>Applicant(s)</b> GASIC ET AL.
	<b>Examiner</b> ERIKA GARRETT	<b>Art Unit</b> 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 January 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 3-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1 and 3-11 is/are allowed.

6) Claim(s) 12-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-146/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 13 recites the limitation "the said gap" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-14, 16-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Larsson (6,003,950). Larsson discloses the use of arrangement for ventilation of a vehicle seat, which arrangement comprises an air-distributing material (16) and an electric heating element (12) comprising at least one electrically conductive component arranged in a pattern in conjunction with at least one support (top layer 10/11), where the vehicle seat comprises a bottom part which is adapted for ventilation by blowing air in or sucking air out via at least one passage through the bottom part arid

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on through the said air-distributing material wherein the said support, heating element and air-distributing material are manufactured as an integrated arrangement adapted for mounting in conjunction with the aid vehicle seat, the said air-distributing material being designed as at least one unit which is dimensioned for mounting in a correspondingly designed cutout in the vehicle seat, and an airflow-guiding material layer (17/47) arranged between the said support and the said air-distributing material, see figure 2. As air-guiding material has suction openings (56; see column 6 lines 58-60), it is considered an "air-flow guiding material".

6. In regards to claim 13, wherein the said edge portion defines a seal for the said gap in order at least substantially to prevent the said air flowing through.

7. In regards to claim 14, wherein the said edge portion is designed with means for anchoring the support to the said seat.

8. In regards to claim 16, the support consists of air- distributing material (16).

9. In regards to claim 17, the electrically conductive component is attached between supports consisting of a first layer and a second layer of air-distributing material, see figure 3.

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson in view of Radke (3,736,022). Larsson fails to show the use of a support consists of foamed polyurethane.

12. Radke teaches the use of support consists of foamed polyurethane (22).

13. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the foam with polyurethane as taught Radke, in order to provide a filler to the seat support since polyurethane is an expanded foam material.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson in view of Brenna (6,857,697). Larsson fails to show the use of the electrically conductive component is located inside a support consisting of a layer of air-distributing material.

15. Brenna teaches the use of the electrically conductive component is located inside a support consisting of a layer of air-distributing material, see figures 1-2.

16. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat with the electrically conductive component located inside the support as taught by Brenna in order to protect the seat.

17. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson in view of Wurz (6,109,688). Larsson fails to show the use of material layer consists of a glue layer.

18. Wurz teaches the use of a material layer consist of a glue layer.

19. It would have been obvious to one of ordinary skill in the art at the time of invention to modify a layer with glue as taught by Wurz, in order to seal layers together.

***Allowable Subject Matter***

20. Claims 1 and 3-11 are allowed.

***Response to Arguments***

21. Applicant's arguments with respect to claims 1 and 3-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday-Thursday 9:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./

Examiner, Art Unit 3636

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636